
CHAPTER 161**S. B. No. 131—(Guthrie)**

RECIPROCAL INSURANCE AGENTS' LICENSES

An act to amend and re-enact Chapter 151 of the Session Laws of North Dakota for 1935, providing for licenses for reciprocal fire and life insurance underwriters.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. AMENDMENT.] That Section 1 of Chapter 151 of the Session Laws of North Dakota for 1935 be and it is hereby amended and re-enacted to read as follows:

§ 1. UNDERWRITERS' LICENSES REQUIRED.] A nonresident insurance agent or solicitor placing insurance, through a resident insurance agent of this State, shall be permitted to do so only where he first shall have made written application for, and procured from the Commissioner of Insurance, a license therefore upon a form prescribed by the Commissioner of Insurance and upon the payment of a fee of \$10.00. Such license shall expire one year from its date and in no case shall be granted to a resident of any State which does not permit the licensing of an agent of this State under like circumstances.

Approved March 15, 1939.

MARRIAGE

CHAPTER 162**H. B. No. 267—(Boulden, Bolmeier)**

SYPHILIS TESTS BEFORE MARRIAGE

An act providing for serological test, for syphilis for all persons applying for marriage licenses; prohibiting marriage of any person afflicted with syphilis in communicable form; providing for proofs of serological test to be required by and submitted to county judges before the issuance of a marriage license; repealing acts and parts of acts inconsistent with or in conflict herewith making an appropriation for the State Health Department to enable it to comply with the provisions hereof.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. It shall be necessary for all persons intending to be mar-

ried to obtain a marriage license from the county judge of the proper county as may be provided by law, and to deliver said license, within sixty (60) days from the date of issue, to the clergyman or other qualified person who is to officiate before the marriage can be performed.

§ 2. Before any person, authorized by law to issue marriage licenses, shall accept an application for any such license each applicant therefor shall file with him a certificate from a duly licensed physician and surgeon stating that such applicant has been given such examination, including a standard serological test, as may be necessary for the discovery of syphilis, made not more than thirty (30) days prior to the date of such application, and that, in the opinion of such physician and surgeon, the person therein named either is not infected with syphilis or, if so infected, is not in a state of that disease which is or may become communicable to the marital partner; and no license shall be granted if either party is afflicted with syphilis in a communicable form, and no person who is so afflicted is to be entitled to marry.

§ 3. Because of an emergency or other cause shown by affidavit or other proof, a judge of the district court, if satisfied by medical and/or other testimony that neither the health of the individuals nor the public health and welfare will be injuriously affected thereby, may make an order, on joint application of both of the parties desiring the marriage license, dispensing with those requirements of Sections 2 and 4 hereof, which relate to the filing with the licensing authority by either or both of the parties of the aforesaid certificates and the laboratory statements or, the said certificates and statements having been filed, extending the thirty (30) day period following the examination and test, to not more than ninety (90) days after such examination and test. The order shall be accompanied by a memorandum in writing from the judge, reciting his reasons for granting the order. Application for such extension may be made before, on or after the expiration of such thirty (30) day period. The order and the accompanying memorandum shall be filed with the county judge and the latter shall thereupon accept the application for the marriage license without the production or filing of the aforesaid certificates and the laboratory statements dispensed with by the order, or shall accept the application within any such extended period, as the case may be. The licensing authority and his clerks and employees shall hold such memorandum of the judge in absolute confidence.

§ 4. Each such statement of a physician and surgeon made as aforesaid shall be accompanied by a statement from the person in charge of the laboratory making the test, or from some other person authorized to make such statement, setting forth the name of the test, the date it was completed and the name and address of the person whose blood was tested, but not stating the result of the

test. The physician's statement and the laboratory statement shall be on the same form sheet. Upon a separate form a detailed report of the laboratory test, showing the result of the test, shall be transmitted by the laboratory to the physician and surgeon who, after examining it and if he deems it desirable, discussing it with either or both the proposed marital partners, shall file it with the State Health Officer, where it shall be held in absolute confidence and shall not be open to public inspection; provided that it shall be produced for evidence at a trial or preceeding [proceeding] in a court of competent jurisdiction, involving issues in which it may be material and relevant, on an order of a justice or a judge of such court requiring its production.

§ 5. A standard serological test shall be a laboratory test for syphilis approved by the State Health Officer and shall be performed by the State Department of Health, on request for a fee of not to exceed fifty cents, to be collected by the county judge and by him paid into the State Treasury.

§ 6. Nothing in this act shall impair or affect existing laws, rules, regulations or codes made by authority of law, relative to the reporting by physicians and others of cases of syphilis discovered by them.

§ 7. Marriage licenses shall be issued to all applicants who have complied with the provisions of this act and all other acts not in conflict herewith, and who are otherwise entitled under the laws of North Dakota to apply therefor and to contract matrimony.

Every such license, when issued, shall have endorsed thereon or annexed thereto at the end thereof, a statement, subscribed by the person issuing the license, that the application for the license was accompanied by papers complying with the applicable requirements of Sections 2 and 4 of this act relative to examination and health of the parties or, if such compliance was dispensed with, wholly or partly, by order of a judge, a statement to that effect.

The license issued, including the above statement and the certificate duly signed by the person who shall have solemnized the marriage therein authorized, shall be returned by him to the county judge who issued the same within five (5) days succeeding the date of the solemnizing of the marriage therein authorized, and any person or persons who shall wilfully neglect to make such return within the time above required shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than ten dollars (\$10.00) or more than fifty dollars (\$50.00) for each and every offense, or by imprisonment in the county jail not exceeding thirty (30) days, or by both such fine and imprisonment.

§ 8. Any applicant for a marriage license, any physician or surgeon or any representative of a laboratory who shall misrepresent any of the facts called for by the physician's statement and the

laboratory report or statement, or any licensing officer who shall accept an application for a license without the accompanying physician's and surgeon's statement and laboratory report, as required in Sections 2 and 4 hereof, unless the same shall have been dispensed with by judicial order as provided in Section 3 or who shall have reason to believe that any of the facts contained in said statement or report have been misrepresented and shall nevertheless issue a marriage license, or any health officer or his employee who shall not hold the laboratory record confidential, except as provided in Section 4 hereof with respect to its production for evidence on order of a judge, or any officer, clerk or employee of the office issuing the license who shall not hold in strictest confidence the statement filed with him as to the reasons for granting a judicial order, as provided under Section 3 hereof, shall be guilty of a misdemeanor and punishable accordingly.

§ 9. The sum of seven thousand dollars (\$7,000.00) or so much thereof as may be necessary, is hereby appropriated out of any moneys in the State Treasury to the State Department of Health, to cover additional clerical, printing, laboratory and other expenses in carrying out the provisions of this act, for the biennium ending July 1, 1941.

§ 10. All acts and parts of acts in conflict and inconsistent herewith, but only insofar as they are inconsistent or in conflict, are hereby repealed.

Approved March 13, 1939.